



TENNESSEE HUMAN RIGHTS COMMISSION
CENTRAL OFFICE
CORNERSTONE SQUARE BUILDING, SUITE 305
530 CHURCH STREET
NASHVILLE, TENNESSEE 37243-0745
(615) 741-5825 FAX (615) 253-1886
www.state.tn.us/humanrights

January 26, 2007
Board of Commissioner's
Teleconference Meeting
Minutes

Commissioner's Present:

Commissioner Starling
Chairman Wiggins

Commissioner's Absent:

Commissioner Blalock
Commissioner Horne

Commissioner's Present via Phone:

Commissioner Davis
Commissioner Garrett
Commissioner Hakeem
Commissioner Jones
Commissioner Osborne
Commissioner Pierce
Commissioner Pride
Commissioner Rogers
Commissioner Smith
Commissioner Walker

Staff Present:

Amber D. Gooding, Executive Director
Robert Bright, Housing Director
Shay Rose, General Counsel
Gloria Williams, Assistant Counsel
Lisa Lancaster, Executive Director's Asst.

Guests:

Jeff Tang-WTVF
Michael Redd-WTVF
Melba Checote-Eads-Advisory Council
Allison Shaw-Alliance for NAI Rights
Niles Aseret-Commissioner
Jim Ready-Commissioner
Tom Kunesh-Public
Brad Shrade-Tennessean
Winona Yellowhammer-NAIA

Call to Order and Invocation

The telephonic Board of Commissioner's meeting was called to order by Chairman Spencer Wiggins at 9 a.m. Chairman Wiggins noted that the roll was taken as each commissioner signed on to the call. Commissioner A.J. Starling gave the invocation.

The minutes of the November 17, 2006 board meeting were reviewed and a motion was made to accept them by Commissioner Smith and seconded by Commissioner Pierce. A vote was taken and passed.

Other Business

Chairman Wiggins introduced Mr. Tom Kunesh from the Native American Indian Affairs Commission. Mr. Kunesh noted that he was present to represent the public and not the Indian Affairs Commission. He assisted in drafting and passing the resolution for the Discontinuance of Native American Indian mascots in the State of Tennessee. Mr. Kunesh introduced TNAIA Commissioner Jimmy Ready, TNAIA Commissioner Niles Asert, Allison Shaw, a member of the Cherokee Nation of Oklahoma, and Melba Checote-Eads, a member of the Muskogee Creek Nation of Oklahoma, who read in its entirety the resolution. (Attached) Copies were given to those present.

Chairman Spencer Wiggins read "Let it be duly noted that the resolution for the discontinuation of Native American Indian Mascots of the State of Tennessee has been read into the minutes of this meeting."

Mr. Kunesh explained that the primary reason they were here is to request that there be a dialog between THRC and the TN Native American Indian Affairs Commission discussing what is appropriate usage of Indians as mascots in the State of Tennessee.

Mr. Kunesh noted that, in his opinion, the use of native Americans as school mascots in the state of Tennessee is a discriminatory practice that is defined in the Human Rights Commission statute, in that singling out native American Indians as Indians, Warriors, Braves, Chiefs and Red Skins is a distinction and a practice of differentiation based on race, color and national origin as described in Tennessee Human Rights Commission 1500-1.024E. To the best of his knowledge, no other humans of other races, colors or national origins are used in this educational "sports practice."

Secondly, Mr. Kunesh stated that he believed that public schools and public school systems and boards are employers, covered by the law, in that they constitute extensions of political subdivisions of the state and employ at least eight persons within the state and are thus subject to the rules of Tennessee Human Rights Commission 1500-1.024F.

Thirdly, Mr. Kunesh stated that images and enactments of mascots are used by and in public schools, which he believed were "places of public accommodation" and by public school athletic programs which take place in "places of public accommodation, resort or amusement" as defined in the rules of the Tennessee Human Rights Commission 1500-1.024I.

Commissioner Smith asked "Are you alleging that there is employment discrimination based on the mascots?" Mr. Kunesh responded, "that school system employees, as an extension of the state, advocate and condone this type of racist behavior."

Chairman Wiggins noted that the commission would not respond to the comments. The Commission had invited them to present their cause and will address that at a later date.

Mr. Kunesh explained that this is not in the form of a complaint, but a resolution, and the request is for informal dialog between the two state commissions.

Commissioner Hakeem asked, "Who is classified as Native Americans?" Allison Shaw of the Cherokee Nation of Oklahoma, Native of Tennessee, answered, "According to the Bureau of Indian Affairs of the federal government, the definition of who is Indian is someone who is at least 25% degree of blood, meaning you have one grandparent who is a full blood recognized Native American. You must be a member of a federally recognized tribe or a state recognized tribe. The government will also take into consideration those individuals who are members of non-recognized communities which have had a historical continuous presence in the area and who have maintained a cultural integrity, which makes them distinct from the non-Indian surrounding community." Native Americans must be documented in writing.

Chairman Wiggins thanked those present for their comments. Melba Checote-Eads gave letters of support from Native American Ministries and from the Religion & Race Commission of the United Methodist Church to the commission.

Commissioner Pierce asked for clarification. "I understood from the beginning of Mr. Kunesh's comments that this was not a resolution from the Indian Affairs, that it was a personal resolution from a group of people. Did I understand that correctly?" Mr. Kunesh responded, "The resolution was passed by the commission of Indian Affairs on the 3rd of December 2005, 14 months ago, and it has been held by the Commission of Indian Affairs and a group of us individuals want to make sure that since the resolution was passed and mentioned the Commission of Human Rights, that it was delivered."

Niles Aseret, Navajo from Arizona; Melba Checote-Eads, Muskogee Creek Nation of Oklahoma; Jimmy Ready, TNAIA Commissioner, and Allison Shaw, Cherokee Nation of Oklahoma were each given time to speak to what this resolution means to them personally.

Chairman Wiggins thanked the parties for their presentation. Executive Director Amber Gooding noted that the discussion and information gathering would continue among the commission members and that a process would be developed to possibly have open public meetings over the next few months and bring the presenters back for additional discussion. Questions and information will be gathered from Commissioners and other interested parties in an effort to have a clear understanding of both sides of the issue at hand.

Announcements

Executive Director, Amber Gooding announced that Esperanza Soriano-McCrary would be joining the THRC staff at the beginning of February as the Communications Director. It was also noted that THRC was hosting the Quad State Fair Housing and Equal Opportunity Conference at Cool Springs Marriott March 26 –28. Brochures will be sent to all Commissioners and their staff. Commissioner Starling made a motion to approve the

Executive Director's report. Commissioner Pierce seconded the motion. A vote was taken and passed.

Budget & Audit Report

Commissioner Hakeem, Chair of the Budget & Audit committee, reported on the November 17, 2006 meeting. It was suggested that the Commission commend the Staff and the Executive Director for getting the Performance Audit draft and executing a line-by-line review of the audit findings with the committee members and drafting the responses for Arthur Hayes, Director of State Audit. Commissioner Smith made a motion to accept the report and Commissioner Starling seconded the motion. A vote was taken and passed.

Housing Case Reports

Robert Bright, director of Housing, reported that 16 new complaints have been received. This brings the total cases closed to 49 with 37 open cases in our inventory. It was noted that we are on track to meet our HUD contract goals. Commissioner Starling made a motion to accept the housing report. Commissioner Jones seconded the motion. A vote was taken and passed.

Legal Report

Shalini Rose, General Counsel, noted 3 new cause cases in employment and housing. Of the cases settled, one employment case settled for \$1,000 and a housing case settled for \$300 and training and the other race based case settled for \$15,000 and training.

It was noted that upcoming rule hearings will be taking place in Knoxville, Nashville and Memphis on February 20, 21 & 22 and notices have been sent to all Commissioners are welcome to attend. All hearings will be at 1:30 p.m. Commissioner Rogers made a motion to accept the report. Commissioner Starling seconded the motion. A vote was taken and passed.

General Counsel noted that tomorrow is Executive Director Gooding and Assistant Counsel, Gloria Williams birthday. Chairman Wiggins wished the Commission Happy New Year and wished everyone safe travel.

The meeting was adjourned at 9:45 a.m. by Chairman Wiggins